

**Amendment to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended): A distribution server comprising:  
an input unit for image data;  
an image data re-construction unit;  
a communication unit connected to a terminal; and  
a monitoring trigger information generating unit for generating monitoring trigger information with which said terminal performs a receiving bit rate monitoring, wherein said monitoring trigger information generating unit inserts a generated monitoring trigger into image data ~~inputted~~ input through said input unit, and  
wherein said communication unit outputs a data fragment, which includes said image data, said monitoring trigger, and data size information of said data fragment for detecting a completion of said receiving bit rate monitoring, by burst transfer every data fragment and outputs it to said terminal through said communication unit.

2. (original): The distribution server according to claim 1, further comprising a bit rate switching control unit for feeding said image data to said terminal, and when said communication unit receives an image bit rate request command from said receiving terminal, said image re-construction unit switches the image bit rate to an image bit rate specified by said command to deliver the image

data.

3. (previously presented): The distribution server according to claim 2, wherein as said monitoring trigger, a transmission start time for a data fragment to be transmitted next is inserted into an extension part of said image data to be distributed.

4. (canceled).

5. (currently amended): A terminal device comprising:

a communication unit connected to a distribution server, receiving a data fragment, which includes an image data, a monitoring trigger, and data size information, transferred burst transfer every data fragment;

a reproducing unit for reproducing said received image data; and

a monitoring unit for monitoring a receiving bit rate of said received image data fragment; and

an analysis unit for analyzing said received ~~image~~ data fragment,

wherein said analysis unit extracts a monitoring trigger from said ~~image~~ data fragment,

wherein said monitoring unit performs monitoring through utilization of said monitoring trigger, starts said monitoring from a receiving start time of a next data fragment received as specified by said monitoring trigger, and finishes said monitoring upon completion of the receipt of data of a fragment size specified in said data size information and calculates a receiving bit rate, and

wherein said monitoring unit feeds distribution bit rate switching information of

said image data through said communication unit in response to said receiving bit rate to be monitored.

6. (currently amended): The terminal device according to claim 5, further comprising:

a timer for counting time,

wherein said monitoring unit compares the time of said timer with said [a] receiving start time of said [a] next data fragment specified by said monitoring trigger and starts said monitoring of the receiving bit rate from said receiving start time.

7. (currently amended): The terminal device according to claim 6\_5, wherein said monitoring unit compares a measured receiving bit rate with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

8. (currently amended): The terminal device according to claim 6\_5, wherein said monitoring unit monitors a residual amount of said received image data stored at a recording unit, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

9. (currently amended): The terminal device according to claim 6\_5, further comprising:

a decoder for decoding said received image data,

wherein said monitoring unit monitors a frame rate of said decoder, compares

it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

10. (currently amended): The terminal device according to claim 65, wherein said monitoring unit monitors a time stamp included in said received image data, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

11-12. (canceled).

13. (currently amended): The terminal device according to claim 65, further comprising:

a display unit for displaying said received image data; and

an input instruction unit for receiving an input from a user,

wherein an instruction for changing a bit rate through said input instruction unit in regard to the image data displayed at said display unit is received and said instruction is fed as said switching information.